

**Peter Eidenberg, OSB #075778**  
peidenberg@keatingjones.com  
**Kelly F. Huedepohl, OSB #133896**  
khuedepohl@keatingjones.com  
Keating Jones Hughes PC  
One SW Columbia, Suite 800  
Portland, OR 97258-2095  
Phone: (503) 222-9955  
Fax: (503) 796-0699  
Of Attorneys for Gordon Aylworth &  
Tami, P.C.

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORTLAND DIVISION**

TANA SPENCER, on behalf of herself and Case No. 3:16-cv-0093-BR  
others similarly situated,

**JOINT STATUS REPORT**

Plaintiff,

v.

MIDLAND FUNDING LLC AKA  
MIDLAND FUNDING NCC-2 CORP, and,  
GORDON AYLWORTH & TAMI P.C.,

Defendants.

Pursuant to the Court's Opinion and Order, Dkt. 40, and the Court Order dated  
October 17, 2017, Dkt. 46, the parties jointly submit the following status report:

On October 21, 2016, this Court entered an Opinion and Order compelling the parties to  
proceed with arbitration. Dkt. 40 at 19. The Court also stayed this action pending resolution of  
the arbitration proceeding. Dkt. 40 at 18–19.

On November 15, 2017, the American Arbitration Association (“AAA”) conducted a  
preliminary hearing on the issue of the arbitrability of plaintiff's claims under the arbitration  
provision in the relevant cardholder agreement. On November 20, 2017, the arbitrator issued an

order, attached as Exhibit 1 to this Joint Status Report, concluding that the arbitration clause in the cardholder agreement is valid, that the arbitration clause applies to plaintiff's claims against both defendants in this action, and that plaintiff's claims should proceed to arbitration on an individual basis. The arbitration hearing on plaintiff's individual claims is scheduled to occur on April 17, 2018.

DATED this 5th day of February, 2018.

KEATING JONES HUGHES, P.C.

*s/ Kelly F. Huedepohl*

---

Peter Eidenberg, OSB No. 075778  
Kelly F. Huedepohl, OSB No. 113896  
503-222-9955  
Attorneys for Gordon Aylworth & Tami, P.C.

HOLLAND & KNIGHT, LLP

*s/ David K. Elkanich*

---

David J. Elkanich, OSB No. 992558  
503-517-2928  
Attorneys for Defendant Midland Funding LLC  
Aka Midland Funding NCC-2

LAW OFFICES OF BRET KNEWTSON

*s/ Bret A. Knewton*

---

Bret A. Knewton, OSB No. 033553  
503-846-1160  
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on February 5th, I electronically filed the foregoing **JOINT STATUS REPORT** with the United States District Court, District of Oregon, Portland Division by using the CM/ECF system. I certify that the following parties or their counsel of record are registered as ECF Filers and that they will be served by the CM/ECF system:

Bret A. Knewtonson Law Office of Bret Knewtonson 3000 NW Stucki Place, Suite 230-M Hillsboro, OR 97124 Phone: (503) 846-1160 Fax: (503) 922-3181 Of Attorneys for Plaintiff	David J. Elkanich Holland & Knight 111 SW Fifth Ave, Suite 2300 Portland, OR 97204 Phone: (503) 517-2928 Fax: (503) 241-8014 Of Attorneys for Midland Funding, LLC
Mark G. Passannante Broer & Passannante PS 1001 SW Fifth Avenue, Suite 1220 Portland, OR 97204 Phone: (503) 294-0910 Fax: (503) 243-2717 Of Attorneys for Plaintiff	

KEATING JONES HUGHES, P.C.

*s/ Kelly F. Huedepohl*

---

Peter Eidenberg, OSB No. 075778  
peidenberg@keatingjones.com  
Kelly F. Huedepohl, OSB No. 133896  
khuedepohl@keatingjones.com  
Of Attorneys for Gordon Aylworth & Tami, P.C.